United Nations Convention on the Law of the Sea CLCS/29

Commission on the Limits of the Continental Shelf

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Statement by the Chairman of the Commission on the Limits of the Continental Shelf on the progress of work in the Commission

1. The ninth session of the Commission on the Limits of the Continental Shelf was held at United Nations Headquarters, New York, from 21 to 25 May 2001, pursuant to its decision taken at the eighth session (CLCS/25, para. 18). The Commission held nine meetings.

2. The following 17 members of the Commission attended the session: Alexandre Tagore Medeiros de Albuquerque, Osvaldo Pedro Astiz, Lawrence Folajimi Awosika, Harald Brekke, Galo Carrera Hurtado, Peter F. Croker, Noel Newton St. Claver Francis, Kazuchika Hamuro, Karl H. F. Hinz, A. Bakar Jaafar, Mladen Juračić, Yuri Borisovitch Kazmin, Iain C. Lamont, Wenzheng Lu, Yong Ahn Park, Daniel Rio and Krishna-Swami Ramachandran Srinivasan. Ali Ibrahim Beltagy, Samuel Sona Betah, Andre Chan Chim Yuk and Chisengu Leo Mdala did not attend the session owing to matters of national interest to which they had to attend.

3. The Commission had before it the following documents:

- Provisional agenda (CLCS/L.11), which, after it was adopted with amendments, was reissued (CLCS/28);
- Scientific and Technical Guidelines of the Commission on the Limits of the Continental Shelf (CLCS/11 and Corr.1; CLCS/11/Add.1 and Corr.1);
- Review of existing training projects and capacities within the United Nations system (CLCS/15);
- Basic flowchart for preparation of a submission of a coastal State to the Commission on the Limits of the Continental Shelf (CLCS/22);
- Outline for a five-day training course for delineation of the outer limits of the continental shelf beyond 200 nautical miles and for preparation of a submission of a coastal State to the Commission on the Limits of the Continental Shelf (CLCS/24 and Corr.1);
- Statement by the Chairman of the Commission on the Limits of the Continental Shelf on the progress of work in the Commission (CLCS/25);
- Letter dated 9 October 2000 from the Chairman of the Commission on the Limits of the Continental Shelf addressed to the President of the fifty-fifth session of the General Assembly of the United Nations (CLCS/27);
- Technical and logistical preparedness of the Secretariat to provide assistance to the Commission on the Limits of the Continental Shelf in the consideration of submissions of coastal States (CLCS/INF/1), as updated;
- Modules for five-day training course with time estimates for preparation of material (CLCS/CRP.17);

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- Documents of the Eleventh Meeting of States Parties relevant to the work of the Commission (SPLOS/64; SPLOS/65; SPLOS/66; and SPLOS/67);
- Other documents and proposals as prepared by the members of the Commission.

4. The session was opened by the Chairman, Mr. Yuri B. Kazmin. In his opening statement, the Chairman outlined the programme of work for the ninth session of the Commission. In particular, he pointed out that the main tasks before the Commission were to address issues concerning training and procedures for consideration of submissions at the subcommission level. Regarding training, he recalled the tasks to be performed in accordance with the decisions on training approved at the seventh and eighth sessions (CLCS/21, paras. 15, 17 and 26 and CLCS/25, paras. 10 and 11).

5. The Chairman further proposed to amend the provisional agenda to include the following additional item: "Decision of the Eleventh Meeting of States Parties to the Convention regarding the date of commencement of the 10-year period for making submissions to the Commission, set out in article 4 of annex II to the Convention, and other matters of relevance to the Commission which were discussed at the Meeting" in view of the decision adopted at the Eleventh Meeting of States Parties (SPLOS/72). It was also suggested to insert in the agenda another item concerning the issues of confidentiality in the work of the Commission. Those proposals were accepted and the agenda was adopted as amended (CLCS/28).

6. Under agenda item 4, entitled "Preparation for receipt of submissions", the Chairman recalled the letter which he had addressed to the Secretary-General of the United Nations, in which he had stressed the need for additional staff and premises, and pointed out that he had not yet received a formal reply to the letter. In that connection, members of the Commission asked the Director of the Division for Ocean Affairs and the Law of the Sea, Office of Legal Affairs, how the Secretariat had dealt with the issues raised in the Chairman's letter and what were the estimated needs of the Division for receiving and processing submissions. Replying to the questions, the Director of the Division first recalled that the basis of the Secretariat functions in providing services to the Commission were the United Nations Convention on the Law of the Sea, the General Assembly resolutions, including the most recent one, resolution 55/7 of 30 October 2000, and decisions of the Meeting of States Parties. Based on the mandate contained in those documents, the Legal Counsel approved the corresponding internal programme and budgetary actions. It was within that framework that similar requests were generally considered, and the letter from the Chairman addressed to the Secretary-General had thus been forwarded to the Legal Counsel for further action. The request by the Commission concerning personnel had only been partially satisfied in the draft budget for 2002-2003; on the other hand, the Division was in a position to start gradually acquiring important advanced technical equipment, such as the recently purchased large-format scanner. The Director assured the Commission that in case of a submission, the Secretariat should be able to perform its responsibilities and provide adequate premises.

7. The Commission agreed that the Chairman should draft another letter to the Secretary-General, repeating his request for staff and premises and noting the concern expressed by the members of the Commission regarding the technical and scientific preparedness of the Division, especially as a submission of considerable size and complexity might be received by the Secretary-General in the foreseeable future.

8. Regarding agenda item 5, entitled "Procedures for consideration of submissions at the subcommission level", the Commission requested its Editorial Committee, under the chairmanship of Mr. Galo Carrera, to deliberate on the issue and prepare a draft proposal.

9. The Editorial Committee held several meetings and prepared a document entitled "Internal procedure of the subcommission of the Commission on the Limits on the Continental Shelf" for consideration by the Commission. In his report to the Commission, the Chairman of the Editorial Committee also pointed out, among other things, several issues which might eventually require amendments to the Modus Operandi of the Commission. After consideration, the Commission adopted the document by consensus (CLCS/L.12).

10. With respect to agenda item 6, entitled "Issues with regard to a training course for developing States on the establishment of the outer limits of the continental shelf beyond 200 nautical miles and on the

preparation of submissions to the Commission in accordance with article 76 of the United Nations Convention on the Law of the Sea", the Commission continued its discussion commenced at the seventh and eighth sessions. In that connection, the Chairman recalled the plan of action on training, as well as other relevant documents of the Commission. The Working Group on Training, under the chairmanship of Mr. Lawrence Awosika, was reconvened for the purpose of preparing specific suggestions on the matter.

11. During plenary meetings of the Commission, its members inquired, among other things, about the status of preparation of the cost estimates for the five-day training module (CLCS/21, paras. 15 and 16, and CLCS/25, para. 10).

12. Responding to those queries, the Director of the Division for Ocean Affairs and the Law of the Sea pointed out that the Commission had decided not to impose any deadline on the project and that the elements contained in the outline of the five-day training module were not sufficient for preparing a reliable estimate. She remarked that the General Assembly, in resolution 55/7, after noting the document regarding the five-day training course, had appealed to States and appropriate intergovernmental organizations to consider developing and making available such training courses. It was also understood that the request was more of a recommendatory nature, since the Commission itself recognized that it was not part of its mandate to organize training (CLCS/25, para. 11).

13. The members of the Commission further inquired whether it was planned to include in the Division's publication programme the publication on how to prepare a submission based on the flowchart. In her response, the Director of the Division pointed out that should the Secretariat engage in the preparation of such a manual, which would require substantial resources, it would probably need to seek a mandate from the General Assembly. She also said that should the Commission recommend that a group of experts be convened for the task, the necessary budgetary allocations were already in place in the draft budget for the next biennium. The Commission decided to take note of the information provided by the Secretariat.

14. The Director also informed the Commission about the status of the two trust funds related to the work of the Commission, established by the General Assembly in its resolution 55/7. The first voluntary trust fund had been established to provide training for technical and administrative staff, and technical and scientific advice, as well as personnel, to assist developing States, in particular the least developed countries and small island developing States, for the purpose of desktop studies and project planning, and preparing and submitting information under article 76 and annex II to the Convention in accordance with the procedures of the Scientific and Technical Guidelines of the Commission on the Limits of the Continental Shelf. The second voluntary trust fund had been established for the purpose of defraying the cost of participation of the members of the Commission from developing States in the meetings of the Commission. Accounts for both funds had been opened and the first trust fund had received contributions from the Government of Norway in the amount of more than $1 million, including the transfer of its previous contribution to another voluntary fund which had been closed. No contributions had yet been made to the voluntary trust fund for the purpose of defraying the cost of participation of the members of the Commission from developing States in the meetings of the Commission.

15. The Commission took note of the information provided by the Chairman of the Working Group on Training on the work of the group during the ninth session. Taking into account the information provided by the Secretariat and its request for additional guidance, the Commission reiterated its request to the Secretariat to prepare a "Training manual on the preparation of a submission to the Commission on the Limits on the Continental Shelf", in order to facilitate the preparation of submissions by States concerned, in particular by developing States. It further decided that the preparation of the outline should be completed and the outline submitted to the Secretariat three months in advance of the opening of the session of the General Assembly, under the responsibility of the Chairman of the Working Group, Mr. Awosika.

16. The Commission reiterated its request to the Secretariat to continue its work on preparing the cost estimate for the five-day training module in Jamaica (CLCS/21, paras. 15 and 16, and CLCS/25, para. 10), with the assistance of members of the Working Group on Training.

17. The Commission also expressed its appreciation to the Government of Norway for its generous contribution to the above-mentioned trust fund.

18. Under agenda item 7, entitled "Decision of the Eleventh Meeting of States Parties to the Convention regarding the date of commencement of the 10-year period for making submissions to the Commission, set out in article 4 of annex II to the Convention, and other matters of relevance to the Commission which were discussed at the Meeting", the Commission was provided information by the Chairman concerning the discussions at the Meeting and the above-mentioned decision.

19. The Commission took note of the "Decision regarding the date of commencement of the ten-year period for making submissions to the Commission on the Limits of the Continental Shelf set out in article 4 of Annex II to the United Nations Convention on the Law of the Sea", which was adopted by the Eleventh Meeting of States Parties on 18 May 2001 (SPLOS/72).

20. Concerning the background paper entitled "Issues with respect to article 4 of Annex II to the United Nations Convention on the Law of the Sea", prepared by the United Nations Secretariat at the request of the Tenth Meeting of States Parties and discussed at the Eleventh Meeting (SPLOS/64), the Commission noted that the Commission had not been requested, and therefore had not provided, any input regarding the issues contained in the background paper. Therefore the views expressed in the background paper were to be considered those of the United Nations Secretariat and not necessarily those of the Commission. The Commission expressed its availability in the future to provide its views, if requested, on technical and scientific aspects relating to continental shelf issues.

21. On the issues of confidentiality in the work of the Commission, the Committee on Confidentiality met under the chairmanship of Mr. Galo Carrera. After examining issues raised by some members of the Commission, the Committee unanimously concluded that, at the current stage, no further amendments to annex II to the Rules of Procedure were necessary. The Commission took note of that conclusion.

22. Concerning the agenda item entitled "Proposal regarding observer status for the Commission at the meetings of States parties to the United Nations Convention on the Law of the Sea and other appropriate forums", the Chairman drew the attention of the members of the Commission to the remarks made by the President of the Eleventh Meeting of States Parties. The President had stated, inter alia, that granting observer status to the Commission might be beneficial to the relationship between the Meeting of States Parties and the Commission. The Commission decided to seek such observer status through a letter from the Chairman addressed to the President of the next Meeting of States Parties. Regarding other forums, the Commission decided to explore the issue further without taking any action at the current stage.

23. Dealing with other matters, the Commission deliberated on the dates and venue of its next sessions. In accordance with its decision taken at its eighth session (CLCS/25, para. 18) and in the absence of submissions, the Commission decided not to hold another session in 2001. It was further decided that the tenth session of the Commission in 2002 would be of three weeks' duration (starting with the week of 15 April 2002), in case there was a submission. If no submission were received or ready to be considered, the tenth session might be reduced to one week, or cancelled altogether, depending on the workload of the Commission.

24. In view of the forthcoming election of 21 members of the Commission at the next Meeting of States Parties to the Convention in May 2002, the Commission proposed that the eleventh session of the Commission in its new composition should be held from 24 to 28 June 2002.

25. The Commission once again expressed its appreciation to the staff of the Division for Ocean Affairs and the Law of the Sea, as well as to the interpreters, translators and other staff for the assistance and services provided during the ninth session.